



ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxii.

n Act for amending and keeping in repair the Road from the Turnpike Gate at the Bottom of *White Street Hill*, in the Parish of *Donhead Saint Andrew*, in the County of *Wilts*, through the Towns of *Shaftesbury*, *Milborne Port*, and *Sherborne*, in the Counties of *Dorset* and *Somerset*, to the *Half-way House* in the Parish of *Nether*, otherwise *Lower Compton*, in the said County of *Dorset*, and several other Roads communicating therewith. [24th May 1822.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for more effectually amending, widening, improving, and keeping in repair the Road from the Top of White Sheet Hill in the Parish of Donhead Saint Andrew, in the County of Wilts, through the Towns of Shaftesbury, Milborne Port, and Sherborne, in the Counties of Dorset and Somerset, to the Half-way House in the Parish of Nether, otherwise Lower Compton, in the said County of Dorset, and several other Roads near the Towns of Shaftesbury and Sherborne aforesaid*: And whereas a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, which Money cannot be repaid, nor can the said Roads be effectually amended, improved,

[Local.] 21 Z 41 G.3. c. 38.

Repeal of
former Act.

improved, and kept in repair, unless the Term of the said Act be further continued, and the Powers thereof altered and enlarged; and it would be an Accommodation to the Public if the Highway or Carriage Road herein-after described, and communicating with the Roads comprized and described in the said Act, were made a Turnpike Road; and it would be convenient if the Powers for managing all the said Roads were included in One Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of *September* next after the passing of this Act, the said Act passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the several Roads herein-after particularly described; and this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or had become due and owing on the Credit of this Act or the Security of the Tolls hereby authorized to be collected.

Trustees appointed.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Wilts*, *Dorset*, and *Somerset*, and *Edwin Andrews*, *Anthony Adam Askew* Clerk, Sir *Edward Baker Baker* Baronet, *Edward Baker Baker*, *Caleb Barrett*, *Thomas Baskett* Clerk, *John Baskett* Clerk, *Percival North Bastard*, *John Bastard* Clerk, *Peter Batson*, *Horace Beckford*, *William Bell*, *Thomas Bellamy* Clerk, *John Benett* of *Pyt House*, *William Bennett*, *John Bennett* of *Hartgrove*, *Thomas Bennett*, *James Bennett*, *Henry Biging*, *John Biging* Clerk, *Peregrine Bingham*, *Peregrine Bingham* Clerk, *Richard Blackmore* Clerk, *Bonner*, *Thomas Bowyer Bower*, *Thomas Bowyer Bower* the younger, *Henry Bower* Clerk, *Henry Tregonwell Bower*, *Charles Bowles*, *William Lisle Bowles* Clerk, *William Boys*, *James Bracher*, *James Bracher* the younger, *Edward Bradford* Clerk, *Nathaniel Bridges* Clerk, *Charles Bristed* Clerk, *Francis John Browne*, *Edward Buckland*, *Richard Buckland*, *James Buckland*, *Charles Buckland*, *George Buckland*, *Edward Bullock* Clerk, *Anthony Burbidge*, *Charles Burbidge*, *Edward Burridge*, *Robert Candy*, *John Candy*, *Benjamin Chandler*, *James Chisman*, *Philip Matthews Chitty*, *John Christie* Clerk, *John Clark*, *Robert Combe*, *Anthony Burbidge Compton*, *John Cooper*, *Blackley Cooper* Clerk, *Richard Cruttwell* Clerk, *Nathaniel Dalton*, *John Dansey*, *William Dansey* Clerk, *Mark Davis*, *Charles Digby* Clerk, *Henry Digby*, *James Dowland* Clerk, *John Goulden* Clerk, *Gregory Doyle*, *William Erle*, *Peter Erle*, *Christopher Erle* Clerk, *Walter Erle* Clerk, *John Fisher* Clerk, *Christopher Fleet* Clerk, *John Folliott*, *Jonathan Folliott*, *John Fooks*, *Thomas Fooks*, *Charles Foot*, *Samuel Foot*, *John Francis*, *Roger Frankland* Clerk, *Robert Frome* Clerk, *George Frome* Clerk, *John Thaine Frowd* Clerk, *William Garratt*, *David Gillingham*, *Sir Richard Carr Glyn* Baronet, *Richard Plumtre Glyn*,
Thomas

Thomas Christopher Glyn, Carr George Glyn, John Carr Glyn, Robert Goodden, Wyndham Goodden, John Goodford, Robert Gordon, John Gordon, Benjamin Gray, John Gray, Thomas Grove, Thomas Grove the younger, Chafin Grove, William Frederick Grove Clerk, Edward Hannam, Josiah Hannam, Charles Hannen, William Harbin, William Helyar, George Helyar, John Helyar Clerk, John Hellyar, George Henning, Henry Hinxman, Sir Richard Colt Hoare Baronet, Henry Hoare, Henry Hobhouse, Isaac Hodgson Clerk, John Hodding, John Hooper, Edward Huddleston, John Hubert Hunt, John Hussey, Charles Hutchings, Robert James, Morgan Jones Clerk, Edward Henry Keasbury, Henry King, Henry King of Westhall, Thomas King, Godfrey John Kneller, Charles Langdon, William Lewis, William Marsh Clerk, Thomas Matthews, George Mayo, Sir William Coles Medlycott Baronet, William Coles Medlycott, John Melliar, George Messiter, Uriah Messiter, Paulet Mildmay, Isaac Monkhouse Clerk, Henry Morgan, Edward Neave, Josiah Neave, John Savile Ogle Clerk, Ralph Ord Clerk, George Parham, John Parsons Clerk, Thomas Horner Pearson Clerk, John Peddle Clerk, Richard Pew Doctor of Medicine, William Phelips Clerk, Charles Phelips Clerk, John Phelips, Thomas Pickard, George Saxby Penfold Clerk, Edward Berkeley Portman, Edward Berkeley Portman the younger, Henry William Berkeley Portman, Samuel Pretor, Thomas Putt Clerk, Frederick Ricketts Clerk, James Ridout, Henry Rogers Clerk, John Rogers, Joseph Rogers, Francis Rogers, George Frederick Ryves, Frederick Ryves, Lawrence Edward Saint Lo, Robert Salkeld Clerk, John Serrell, Francis Seward, George Seymer Clerk, Henry Seymer, Henry Seymer the younger, Charles Shipley Clerk, Francis Simpson Clerk, Sir John Wyldbore Smith Baronet, John Smith, Marriott Smith, John Stacey, John Still Clerk, James Charles Still, William Story, Archibald Stuart, Henry Charles Sturt, William Swyer, Walter Swyer, James Thomas, George Thomas, John James Toogood Doctor of Divinity, John Toogood Clerk, William Toogood, William Toogood the younger, William Trenchard of Lytchett, William Trenchard of Shaftesbury, John Boys Tucker, William Vaux Clerk, Benjamin Vowell, William Upjohn, Edward Walter West Clerk, Walter Whitaker Clerk, Joseph Bennett White, Samuel Whitty, John Wickens Clerk, George Wilkins, William Augustus Wilkins, William Mead Williams, John Williams Clerk, Thomas Willmott, Charles Winter, George Wood Clerk, Thomas Woodforde Clerk, Francis Woodforde Clerk, Charles Wrottesley Clerk, John Heathcote Wyndham Clerk, Henry Farr Yeatman Clerk, and their Successors to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for amending, widening, altering, improving, maintaining, and keeping in repair the several Roads herein-after described; that is to say, the Turnpike Road commencing at or near the present Turnpike Gate at the Bottom of *White Sheet Hill* in the Parish of *Donhead Saint Andrew*, in the County of *Wilts*, through the Town of *Shaftesbury* in the County of *Dorset*, to a Place called *Five Bridges* in the Parish of *West Stower* in the same County; and also the Turnpike Road from the House formerly called the *Angel Inn* in the Town of *Shaftesbury* aforesaid, to the House formerly a Blacksmith's Shop in the same Town in the Occupation of *Charles Freke*, but now or late of *Benjamin Haime* Water Carrier, and from thence to and through the Parish or Town of *Gillingham* in the said County of *Dorset*, and from thence to the Index or Direction Post at the Foot of *Saltern Hill* in the Parish of *Penselwood*, in the said County of *Somerset*, on the Great Road to the Towns of *Wincanton* and *Bruton* in

in the same County ; and also the Turnpike Road leading from a House heretofore called the *New Inn*, but now the *Half Moon*, in the Parish of *Cann*, otherwise *Shaston Saint Rumbold*, in the said County of *Dorset*, to the Top of *Melbury* and *Tollard White Sheet Hills*, in the same County ; and from the House heretofore of *Samuel Dodimead*, but now occupied by *Jonathan Dicketts*, in the Town of *Shaftesbury*, to the Turnpike Gate called *French Mill Gate*, opposite to a Barn in the Parish of *Shaston Saint James*, formerly in the Occupation of *Ethelbert Lawrence*, but now or late of *James Snooke* ; and from a Place called *Butts* in the Parish of *Cann*, otherwise *Shaston Saint Rumbold* aforesaid, to the House formerly of the Reverend *Richard Clarke*, but now occupied by *David Gillingham* Yeoman, in the same Parish ; also the Turnpike Road from the Corner of the Wall heretofore of *Sir John Nicholas*, but now of the Trustees of the late *Sir Francis Sykes* Baronet, deceased, in the Parish of *Motcombe* in the County of *Dorset*, up *Dark Lane* to the Place where formerly stood a Direction Post at the Cross-way in or near the Town of *Shaftesbury*, and from thence on the Right by the present Highway to the Top of the Hill called *Touthill*, and on the Left to the Direction Post opposite to *Warminster Lane* in the Parish of *East Knoyle* in the County of *Wilts* ; and also the Turnpike Road leading from the said Place called *Five Bridges* through the Towns of *Milborne Port* and *Sherborne* in the said Counties of *Somerset* and *Dorset*, to a House called the *Half-way House* in the Parish of *Nether*, otherwise *Lower Compton*, in the said County of *Dorset* ; and also the Turnpike Road from the First Cross-way beyond the House formerly called the *Drum*, but now a Cottage in the Occupation of *James Hammond*, in the great Post Road from *Sherborne* aforesaid to *Yeovil* in the County of *Somerset*, down and through a Lane called *Twynway Lane* into and across a Road called *Bradford Road*, and from thence into and through another Lane called *Horse Castle Lane* to a Bridge called *West Bridge* in *Sherborne* aforesaid, and from thence to and through the Parish of *Long Burton*, and so straight on to the Bottom of a Hill called *Revell's Hill* in the great Road from *Sherborne* to *Dorchester* in the said County of *Dorset* ; and also the Turnpike Road leading from the House formerly of *Samuel Wise*, but now of *Obadiah Griffith*, on the North Side of *Sherborne* aforesaid, to the Index or Direction Post on *Milborne Cow Down* in the said County of *Somerset*, and from thence to another Index or Direction Post in the *Bruton Road* on *Cattle Hill*, and from thence to a Place called *Ansford Inn* in the same County, being the great Road from *Sherborne* to the Cities of *Bristol* and *Bath*, and from the House formerly of *Henry Fryer*, but now a Malt House belonging to the *Black Horse Inn*, at a Place called *East Corner* in *Sherborne* aforesaid, to and up *Castle Town Road* into the said *Bristol* and *Bath Road*, and also the Turnpike Road from the said House formerly of *Samuel Wise*, but now of the said *Obadiah Griffith*, in *Sherborne*, to a House in the Parish of *Caundle Bishop* in the said County of *Dorset*, formerly in the Possession of *Mary Hathway* Widow, but now in the Occupation of Miss *Bailward* ; and also the Turnpike Road from the House formerly of *John Bennett*, now occupied by *Robert Edgar*, near *New Well Water* in *Sherborne* aforesaid, to a Cross-way opposite *Great Pit Lane*, near *Rhymp-ton Hill*, in the Road to *Marston Magna* in the said County of *Somerset*, and from such Cross-way to *Hinton Cross-way* in the Parish of *Mudford* in the County of *Somerset*, and from the said Cross-way opposite to the
said

said Lane called *Great Pit Lane*, to *Marston Bridge* in the said Parish of *Marston Magna*; and also the Turnpike Road leading from the said House formerly of the said *Samuel Wise*, but now of the said *Obadiab Griffith*, to *Thornford Lane End*, and from thence to and through the Parish of *Thornford* to the Cross Way at the Entrance into the Parish of *Yetminster* in the said County of *Dorset*; and also the Turnpike Road leading from *Burton Elm* near *Sherborne* aforesaid to *Leigh Water* in the Parish or Tything of *Leigh* in the said County of *Dorset*; and also the present public Highway or Carriage Road leading from the Town of *Shaftesbury* aforesaid to the Town of *Blandford Forum* in the said County of *Dorset*, commencing at the before-mentioned House, formerly in the Occupation of the Reverend *Richard Clarke*, and now of the said *David Gillingham* Yeoman, in the said Parish of *Cann*, otherwise *Shatton Saint Rumbold*, and continuing in and through the remaining Part of the said Parish towards and through the Parishes or Villages of *Melbury Abbas*, *Compton Abbas*, *Fontmell Magna*, *Sutton Waldron*, *Iwerne Minster*, *Iwerne Courtney*, *Stepleton*, *Ash*, and *Stour Paine*, in the said County of *Dorset*, and for otherwise putting this Act in Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First Meeting or at any Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees hereby appointed; and such Trustees, so elected and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to
appoint Five
additional
Trustees.

IV. And be it further enacted, That when and as often as any of the Trustees (save and except the Justices for the said respective Counties of *Wilts*, *Dorset*, and *Somerset*), hereby appointed or to be appointed by virtue of this Act, shall die or become disqualified, or by Writing under their or his Hands or Hand delivered to any Clerk or Clerks of the said Trustees shall refuse to act, it shall be lawful for the Trustees assembled at any Meeting, to be holden in manner herein-after mentioned, to elect and appoint some other Persons or Person to be Trustees or a Trustee in the Room of the Trustees or Trustee so dying, becoming disqualified, or refusing to act as aforesaid; and every Person so elected and appointed, and being duly qualified, shall be invested with the same Powers and Authorities for executing this Act as if he had been named and appointed a Trustee in and by this Act.

For electing
Trustees on
Deaths, &c.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of his acting be in his own Right or in the Right of his Wife seised or possessed of, and in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold, Leasehold, and Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of a Person seised or possessed of, and in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold, Leasehold, and Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of

Qualification
of Trustees.

or entitled, in such Right as aforesaid, unto a Personal Estate, or Real and Personal Estates together, of the clear Value of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees for executing this Act, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation any One or more of the said Trustees, at any of their Meetings to be holden in pursuance of this Act, is and are hereby authorized to administer:

Trustees
Oath.

I do swear [*or, being One of the People called Quakers, do solemnly affirm*], That I am truly and *bonâ fide* in my own Right [*or in the Right of my Wife*] seised or possessed and in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold, Leasehold, and Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds; *or* am Heir Apparent of who to the best of my Knowledge and Belief is truly and *bonâ fide* seised or possessed of and in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold, Leasehold, and Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds; *or, am possessed of or entitled in such Right as aforesaid unto a Personal Estate, or Real and Personal Estates together, of the clear Value of Four thousand Pounds [as the Case may be]*; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act of Parliament passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act*] according to the best of my Skill and Judgment, and without Favour or Affection to any Person or Persons whomsoever. So help me GOD.
[or being a Quaker, omit the Words 'So help me God.']

Trustees in-
terested, or
holding
Places of
Profit, or
keeping
Vicuallling
Houses, &c.
not to act.

VI. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act) shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under the said Trustees or this Act; and no Person shall be capable of being appointed a Trustee, or of acting as such, during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Person not being qualified as aforesaid, or becoming disqualified, or not having taken and subscribed the Oath as herein mentioned, or being a Quaker not having made and subscribed the Affirmation as herein mentioned, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance,

Impar lance, shall be allowed ; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, and that he has subscribed an Oath or Affirmation according to the Directions of this Act, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act : Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done and performed by any such Person previously to his being convicted of any such Offence as before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act : Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account be deemed disqualified to act as a Trustee in the Execution of this Act.

VII. And be it further enacted, That any of the Trustees appointed or to be appointed by virtue of this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested, otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

Trustees
may act as
Justices.

VIII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by the Majority of the Trustees who shall be present at their several Meetings to be holden by virtue of this Act, the whole Number present not being less than Three, except only in Cases where any greater or less Number of them is or may be herein particularly required or authorized to act ; and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as there shall happen to be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case it shall be lawful for the Chairman to give an additional or casting Vote ; and the said Trustees at their Meetings shall pay their own Expences, but shall not be liable to pay for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act.

Acts done by
Three Trus-
tees valid
unless other-
wise directed.

IX. And be it further enacted, That the said Trustees shall meet at the House known by the Name or Sign of the *Old Ash* or *Virginia Inn*, situate in the Parish of *Henstridge* in the County of *Somerset*, or at some other convenient House at *Henstridge* aforesaid, on the First Day of *October* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Nine in the Forenoon and Two in the Afternoon ; and if there shall be Three Trustees present at such Meeting, shall then proceed to carry this Act into Execution, and in case there shall not be Three Trustees present at such Meeting, then such Meeting shall be adjourned by the Trustees or Trustee who shall be present, and so from Time to Time until there shall be Three Trustees at the least present at a Meeting for carrying this Act into Execution ; and when there shall be a Meeting at which Three Trustees shall be present, then the Trustees who shall be so present, or the Majority of them,

Meetings of
Trustees.

them, shall and may proceed to carry this Act into Execution, and may adjourn to meet at such other Time and Place or Times and Places as they shall think proper and appoint for managing and repairing the said Roads and executing all other the Purposes of this Act; and it shall be lawful for the Trustees appointed or to be appointed by virtue of this Act, from Time to Time to adjourn any subsequent Meeting to be held for carrying this Act into Execution, to such Time and Place or Times and Places as they shall think proper and appoint for better managing and repairing the said Roads and executing all other the Purposes of this Act; and the said Trustees shall and may at their First efficient Meeting, if they shall think it necessary for the better Management and Repairs of the said Roads, form the same Roads into Two or more Divisions, under such Names and Appellations, and under such Rules, Regulations, and Restrictions, to be then agreed upon, as may be most convenient; and if at any Meeting appointed to be held by virtue of this Act there shall not be present Three Trustees, then the Trustees or Trustee who shall or may be present at any such Meeting shall and may adjourn such Meeting to such other Time and Place as they or he shall think proper; and if at any such Meeting there shall not be present One Trustee, or in case the Trustees or Trustee present at any such Meeting shall omit to adjourn such Meeting, any Clerk to the said Trustees shall and may from Time to Time, as often as any such Case shall happen, adjourn any Meeting to the Place where the last Meeting was appointed to be holden, at such Time as he shall think fit, within Three Calendar Months from the Day on which such last Meeting was appointed; Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Nine of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be held.

Meetings,
and Meet-
ings on
Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or if for want of proper Adjournment or otherwise, it shall at any Time or Times be thought necessary to call a Meeting of the said Trustees, it shall and may be lawful for any Three or more of the said Trustees, or for any Clerk of the said Trustees, upon an Order in Writing delivered to him, signed by Three or more of the said Trustees (although not assembled at a Meeting), authorizing him to call a Meeting, to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in the Manner herein-after directed respecting the Meetings of Trustees (such Meeting not being less than Ten Days after such Notice), and every such Meeting shall and may be held accordingly, and all Proceedings of the said Trustees (the Number present not being less than Three) at any such Meeting, shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

How Orders
of Trustees
are to be
made and
revoked.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, at all their Meetings to be held in pursuance of this Act, and they are hereby empowered from Time to Time, subject to the Rules,

Rules, Regulations, and Restrictions agreed upon at the said First efficient Meeting, to make such further Orders, Rules, and Regulations as they shall think proper for effectually carrying this Act into Execution; but no such Orders, Rules, and Regulations shall be valid, unless the Majority of the Trustees present at every such Meeting shall concur therein, nor shall any such Orders, Rules, and Regulations be revoked or altered at any subsequent Meeting, unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Orders, Rules, or Regulations, nor unless Notice of any such Revocation or Alteration being intended shall have been given at a previous Meeting, and entered in the Book of Proceedings of such Meeting, nor unless Notice of the Meeting at which any such Revocation or Alteration is intended to be made, and the Object of such Meeting shall have been published in some Newspaper or Newspapers circulated in the said Counties of *Wilts*, *Dorset*, and *Somerset*, Fourteen Days at the least before the holding of such Meeting.

XII. And be it further enacted, That of all Meetings to be held in pursuance of this Act (except any adjourned Meeting) Notice shall be inserted in some Newspaper or Newspapers circulated in the said Counties of *Wilts*, *Dorset*, and *Somerset*, at least Ten Days before the Day appointed for any Meeting, or such other Notice thereof shall be given and published in such Manner as the said Trustees at their said First efficient Meeting to be held by virtue of this Act shall order and direct.

Notice of Meetings.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to provide and keep or cause to be provided and kept by their Clerk or Clerks for the Time being, One or more Book or Books wherein all Orders and Proceedings of the said Trustees at their several Meetings shall be regularly entered; and such Orders and Proceedings so entered shall be signed by the Trustees making the same; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Demises or Mortgages and Assignments of the Tolls, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Orders to be entered in a Book.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward, and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Clerks shall refuse to permit or shall not permit the said Trustees or such Creditors or any of them to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any

Accounts to be kept by Clerk of Receipts and Payments, and be open to Inspection of Trustees and Creditors.

Sum not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

For appoint-
ing Treasur-
ers, Clerks,
Surveyors,
and other
Officers.

XV. And be it further enacted, That the said Trustees assembled at their First efficient Meeting may and they are hereby empowered to appoint such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officers, as the said Trustees may think proper; and may from Time to Time remove such Treasurers, Clerks, Collectors, Surveyors, or other Officers respectively, and on such Removal, or on the Death, Resignation, or Incapability of any of such several Officers, shall and may appoint other or others in his or their Place or Stead, and shall and may, by and out of the Monies arising on the several Roads herein-before described, allow and pay unto such Treasurers, Clerks, Collectors, and Surveyors, and also to such other Persons as shall be aiding or assisting them in their respective Offices, or in any ways employed in the Execution of this Act, such Salaries, Rewards, and Allowances as to the said Trustees shall seem reasonable: Provided always, that no Person shall be capable of being appointed to, or of taking or holding or acting in the Execution of any Place of Trust or Profit under the said Trustees during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming the Tolls by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls who shall not be under any such Incapacity: Provided also, that no Removal of any Treasurer, Clerk, Collector, Surveyor, or other Officer, nor the Appointment of the Successor of any Officer so removed, shall take place unless Twenty-one Days Notice of the Intention of proposing such Removal or Appointment, as the Case may be, shall have been first given in some Newspaper circulating in the Counties of *Wilts*, *Dorset*, and *Somerset*.

Treasurers to
give Security.

XVI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office; and if they shall so think proper shall and may also take such Security from any other Officer to be appointed or continued under or by virtue of this Act.

Present Offi-
cers to con-
tinue until
others are
appointed.

XVII. Provided also, and be it further enacted, That the Clerks, Surveyors, and other Officers, save and except the Treasurer or Treasurers who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively resign, or be removed or displaced by the said Trustees in Manner aforesaid, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Offices of
Clerk and
Treasurer
not to be

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who has or have been, or may be appointed to act as their Clerk or Clerks
in

in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, a Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed a Treasurer for the Purposes of this Act, or the Partner or Partners of any such Treasurer, the Clerk or Clerks to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlane, shall be allowed.

XIX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of any of the Tolls to be collected by virtue of this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or be imprisoned for any Debt or Offence, it shall be lawful for any Three or more of the said Trustees, although not assembled at any Meeting of Trustees appointed by virtue of this Act, to discharge such Collector or Receiver, and in such Case, and also in case any Collector or Receiver shall die, any Three or more of the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall at a Meeting holden in pursuance of this Act appoint a Collector or Receiver of such Tolls in his Room or Stead; and every Person so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable and removeable in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act.

XX. And be it further enacted, That every Officer and other Person who shall be appointed, continued, or employed under or by virtue of this Act, to or in any Office, shall from Time to Time when thereunto required by the said Trustees, by an Order made at any Meeting respectively, make out and deliver to such Trustees, or to such Person or Persons as they the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees at any Meeting shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person or Persons as they shall in Manner aforesaid appoint, within Ten Days after being thereunto

held by One Person.

Power to appoint temporary Collectors.

Officers to account.

thereunto required by the said Trustees by an Order made at any Meeting, all Books, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or by any One of their Clerks, or any other Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered to administer), or upon the Inspection of the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, together with the Costs attending such Distress and Sale; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Costs and Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any of the Cases aforesaid the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or Person who shall be committed for want of a sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Arrears and
Property be-
longing to
former Trus-
tees, vested

XXI. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property real or personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the Trustees under the

the said Act of the Forty-first Year of the Reign of His late Majesty King George the Third, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to receive and take Possession of the same and to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents or other Monies so due to the Trustees under the said recited Act as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

in the Trustees named in this Act.

XXII. And be it further enacted, That every Person who shall have been employed to receive or who shall have received any Tolls or other Monies under or by virtue or on account of the said former Act hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired or any of them, shall, when required so to do, account for and deliver the same to the said Trustees or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

Books, Monies, and Effects under the former Act to be delivered up to the Trustees.

XXIII. And be it further enacted, That the said Trustees may sue and be sued for any thing done by them in the Execution of this Act, or for or on account or in respect of any Orders, Acts, or other Proceedings of the said Trustees at any of their Meetings, in the Name or Names of any One of the Trustees, or of any Clerk or Clerks for the Time being to the said Trustees; and that no Action or Suit to be brought or commenced by or against the said Trustees or any of them, by virtue of this Act, in the Name or Names of any One of the said Trustees, or of their Clerk or Clerks, shall abate or be discontinued by the Death, Resignation, or Removal of such Trustee, Clerk or Clerks, or any or either of them, or by the Act of any such Trustee, Clerk or Clerks, without the Consent of the said Trustees: Provided always, that every and all such Trustee, Clerk and Clerks, shall be reimbursed and paid forthwith out of the Monies to be received by virtue of this Act, by the Treasurer or Treasurers for the Time being, all such Costs, Charges, and Expences as he or they shall be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

How Trustees may sue and be sued.

XXIV. And be it further enacted, That the present Toll Gates, with the Toll Houses, Weighing Engines, and Appurtenances on the said several Roads, shall or may be continued until removed by Order of the said Trustees at any of their Meetings; and the said Trustees at any of their

Power to erect Toll Gates and Toll Houses.

Meetings shall and may, as they shall think proper, continue or remove all or any of the Turnpikes or Toll Gates or Bars, and all or any of the Toll Houses and Weighing Engines already erected on the said Roads; and also may erect and set up any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act authorized to be repaired, and upon the Side or Sides thereof, and also in, upon, or across any Lane or Way leading into or out of the same respectively; and also may erect or provide a Toll House with suitable Outbuildings and Conveniences, and One or more Weighing Engine or Engines at or near each or any such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Toll Houses, or Weighing Engines, as they the said Trustees shall think expedient; and also may take in and inclose from any Waste Lands on the Sides of the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One-eighth of an Acre to each Toll House: Provided that no Toll Gate, Bar, or Chain be erected on the said Road from *Shaftesbury* towards *Blandford Forum*, nor between the North Side of *Durweston Bridge* and the said Town of *Blandford*.

Notice to be given previous to removing or erecting Toll Gates.

XXV. Provided always, and be it further enacted, That no Toll Gate, Bar, or Chain shall be removed or erected from, upon, or across any Part or Parts of the Roads by this Act directed to be repaired, or from or on the Side or Sides of any of the said Roads, or from, upon, or across any Lane or Way, Lanes or Ways, leading into the same Roads, unless Twenty-one Days Notice be given for that Purpose, by Advertisement to be inserted Twice in some Newspaper or Newspapers circulated in the said Counties of *Wilts*, *Dorset* and *Somerset*, previous to any Meeting to be held for removing or erecting any such Toll Gate, Bar, or Chain.

Lamps to be lighted at Toll Houses.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer of the Tolls authorized by this Act to be taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Toll Gates, Toll Houses, &c. vested in the Trustees.

XXVII. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Weighing Engines, and the several Conveniences and Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Roads or any Part thereof, and all Mile Stones and Direction Posts already set up or erected, or hereafter to be set up or erected on or by the Sides of the said Roads, and all other Materials, Articles, and Things which have been provided

provided for the Purposes of the former Act hereby repealed, or which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the Trustees for carrying this Act into Execution; and they the said Trustees are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall break down or damage, steal or take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, Toll Houses, Weighing Engines, Conveniences, Appurtenances, Materials, Articles or Things, or any Part of any of them, or disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of 'The Trustees for repairing and improving the *Shaftesbury and Sherborne Roads.*'

XXVIII. And be it further enacted, That in all Civil and Criminal Proceedings whatsoever relating to the said Roads, and in all Disputes, Suits, or Litigations touching or in anywise relating to the Execution of this Act, no Person or Persons shall be incompetent to give Testimony or Evidence therein by reason only of being a Trustee or Trustees, Collector or Collectors of the Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, Servant or Servants of, or other Person or Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Roads do or shall pass.

Trustees and
their Officers
competent
Witnesses.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Turnpike or Toll Gate, Bar or Chain, continued or to be erected by virtue of this Act, from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle, or Carriage, before any such Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained), the following Sums or Tolls; (that is to say),

Power to
take Tolls.

For every Horse, Mule, or Ass, drawing any Carriage whatsoever, the Tolls.

Sum of Four-pence Halfpenny:

For every Ox, Steer, Gale, or Bull, drawing any Carriage singly and not in Pairs or abreast, the Sum of Four-pence Halfpenny:

For every Ox, Steer, Gale, or Bull, drawing any Carriage abreast or in Pairs, the Sum of Three-pence:

For every Horse or other Beast of Draught drawing any Carriage employed in carrying or conveying any Timber Tree or Trees (except Carriages with Two Horses or other Beasts of Draught which shall not be liable to the Payment of such Double Toll or any Part thereof), between the First Day of *November* and the First Day of *April* in every Year, the Sum of Nine-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or other Neat Cattle the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

For

For every Drove of Hogs or Pigs, Calves, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Collectors
to give
Tickets de-
noting Gates
freed.

And upon Payment of any of the said Tolls the Collector or Receiver shall and he or she is hereby required to deliver *gratis* to every Person paying such Toll a Note or Ticket denoting such Payment ; and all such Notes or Tickets shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which shall be freed from Toll by such Payment.

Tolls payable
once a Day.

XXX. Provided always, and be it further enacted, That no Person or Persons shall be subject to the Payment of any of the Tolls authorized to be taken by this Act, more than once in any One Day (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing on any of the said Roads on the same Day, with the same Horse or Horses, Beasts or Cattle, through all or any of the said Turnpikes or Toll Gates continued or to be erected by virtue of this Act (except with Horses drawing Stage Coaches and Post Chaises, or other Carriages travelling for Hire as herein-after mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Toll as herein-before mentioned.

Stage
Coaches, &c.
to pay every
Time of pass-
ing with a
Ticket denot-
ing a new
Hiring.

XXXI. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing through any of the same Turnpikes or Toll Gates on the same Day, the Day to be computed as aforesaid, with a Ticket denoting a new Hiring.

Tolls free on
passing and
returning
within a cer-
tain Time.

XXXII. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day, with a Ticket denoting a new Hiring : Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage which shall have passed through any Turnpike or Toll Gate erected or to be erected on the said Roads, after Nine of the Clock at Night, and in respect whereof the Toll shall have been paid, shall on returning at any Time before Eight of the Clock the following Morning, but not after that Hour, be permitted to pass Toll-free without producing the Ticket denoting a new Hiring.

Waggons,
&c. allowed
Privileges
and Exemp-
tions grant-
ed by Act
55G.3.c.119.

XXXIII. Provided always, and be it further enacted, That for or in respect of every Waggon, Wain, Cart, or other such Carriage, having the Wheels of the Width and Description, and the Axle-trees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses and other Beasts drawing the same, the several Privileges and Exemptions granted and allowed by the said Act, shall be granted

granted and allowed to the several Waggon, Wains, Carts, and other Carriages, and to the several Horses and other Beasts drawing the same, passing along the said Roads or any of them: Provided also, that in respect of any Horse or other Beast drawing any Waggon, Cart, or Carriage, having Wheels of the Breadth of Nine Inches, and rolling a flat Surface of Sixteen Inches on each Side thereof, or Wheels of the Breadth of Sixteen Inches, such Wheels respectively not deviating more than One Inch from a flat Surface, there shall be paid One Half only of the highest Tolls hereby authorized to be demanded and taken for any Horse or other Beast drawing any Carriage: Provided also, that the several Nails of the Tires of the Wheels of such Carriages shall be so countersunk as not to project more than One Quarter of an Inch above the Surface of such Tires.

Exemptions
for broad
Wheels.

XXXIV. Provided also, and be it further enacted, That the respective Tolls hereby granted and made payable, or any of them, shall not be increased in respect of narrow Wheels by the Provisions of any General Statute or Act of Parliament now in force.

No addi-
tional Tolls
for narrow
Wheels.

XXXV. And be it further enacted, That the said Trustees shall and may cause Fences and Ditches to be erected and made upon or over such Parts of any Commons, Waste Grounds, Wood Grounds, Common Fields, or other uninclosed Lands over or by the Sides whereof any Part or Parts of the said respective Roads do or shall lead, as they shall think necessary, in order to prevent Payment of Toll being avoided, not exceeding in Length Half a Mile on either Side of any Turnpike Gate to be continued or erected by virtue of this Act; and if any Person or Persons shall pull down or otherwise displace, damage, or carry away any such Fence, or any Part thereof, or shall fill in or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above any Damages which may be thereby occasioned.

Fences may
be erected
on Com-
mons, &c. to
prevent Eva-
sion of Tolls.

Penalty for
pulling
down, &c.
any such
Fence.

XXXVI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place situate by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his or her Family or Servants, and except any Person or Persons, or his, her, or their Family or Servants, having a Right of Road in or over such Land or other Premises), or if any Person or Persons owning or occupying any Gate, private Passage, Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road), shall knowingly or willingly permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through

Penalty on
evading
Tolls.

[Local.]

any Toll Gate, Bar, or Chain, or having passed through any Toll Gate, Bar, or Chain, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads; or if any Person or Persons shall forcibly or fraudulently pass through any Turnpike or Toll Gate, Bar or Chain, to be continued or erected by virtue of this Act, with any Horse or other Cattle or Beast drawing or not drawing, without Payment of Toll, all and every such Persons and Person shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Laden Wag-
gons, &c.
coming with-
in 800 Yards
of any Weigh-
ing Engine to
be weighed.

XXXVII. And whereas divers Evasions frequently take place at Weighing Engines by means of Waggons and other Carriages travelling through bye or other Roads near the same, thereby avoiding the Engine, although they may pass over a considerable Part of the said Turnpike Roads; be it therefore enacted, That all laden Waggons, Carts, or other such like Carriages travelling on any Part of the said Roads, and afterwards coming on or by any Road within Eight hundred Yards of any Weighing Engine, erected or rented or to be erected or rented by the said Trustees or otherwise, shall from Time to Time (if any or either of the said Trustees, or their Treasurer, Clerk, Surveyor, or other Officer, or any Lessee or Collector of the said Tolls or any Part thereof, shall require the same) be obliged to come to and pass over such Weighing Engine or Weighing Engines respectively, and be weighed there, under a Penalty of not more than Five Pounds nor less than Forty Shillings on the Owner, and of not more than Forty Shillings nor less than Ten Shillings on the Driver of any Cart, Waggon, or other such Carriage, which shall not be brought to and be weighed at such Weighing Engine or Weighing Engines as aforesaid, to be recovered in the same Manner as other Penalties are by this Act directed to be recovered.

Powers for
Recovery of
Tolls.

XXXVIII. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall after Demand being made thereof neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (but not to seize or distrain the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by

by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

XXXIX. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter on Oath of the Parties, or other Witness or Witnesses (which Oath the said Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice.

XL. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed.

Exempting the Royal Family from Toll.

XLI. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act of or from any Person or Persons for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Bricks, Timber, Wood, Gravel, Lime, or other Materials for making or repairing the said Roads; or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place in which any Part of the said Roads lies, or for erecting, setting up, rebuilding, building, or repairing any present or any future Toll House or Toll Houses, Toll Gate or Toll Gates, Weighing Engine or Weighing Engines, Bridge or Bridges, or any of the Fences thereof, on or on the Sides of any of the said Roads authorized to be repaired by virtue of this Act; or in carrying or conveying any Seed for seeding the Ground, or Hay, Grass, Sainfoin, Fodder, Rushes, Teazles, Vetches, Straw, or Corn or Pulse in the Straw only, Hemp, Flax, Wood, Apples, Turnips, Potatoes, or other Agricultural Produce, or Milk, for the Use of the Owner and not for Sale, or not sold or disposed of, or not going to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof, or of or from any Surveyor of the said Roads for the Time being; or for any Horse, Beast, or other Cattle

Exemptions from Toll.

or

or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not herein exempted from Toll), or any Mould, Dung, Soil, Marl, Coal Ashes, Manure, or Compost employed in Husbandry for manuring or improving Land, or any Lime to be employed for that Purpose, or for any Horses, Oxen, or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to or returning from the Blacksmith or Farrier; nor for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon, either before or after passing through any Toll Gate to be continued or erected on the said Roads, unless such Crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes, and the Payment of such Toll shall be thereby evaded; or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his parochial or ministerial Duty, or from any other Person or Persons who shall pass through any of the said Toll Gates or Toll Bars to or from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or for any Horses or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmasters General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Waggon, Cart, Wain, or other Carriage employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages employed in carrying or conveying Vagrants sent by legal Passes, or any Prisoner or Prisoners in Custody under any legal Warrant, or returning empty after having been so employed; or for any Horse or Horses, Coaches or other

other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Wilts*, *Dorset*, and *Somerset*, or any of them, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded respectively; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XLII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Exempting
Stores from
Overweight.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings or any Adjournment thereof at which Three Trustees shall be present, to lessen or reduce all or any of the Tolls by this Act granted, and which shall be arising and payable on the Whole or any Part or Parts of the said Roads, and for such Time and Times as they the said Trustees shall think proper, and from Time to Time afterwards at any such Meeting to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight, and such reduced Tolls shall and may be collected and levied and applied in such and the same manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful for the said Trustees to reduce the said Tolls or any of them without the Consent in Writing of Five-sixths in value of the Creditors on the said Tolls respectively, nor unless Twenty-one Days previous Notice at the least of such intended Reduction or Advancement shall be given by Advertisement to be inserted Twice in some Newspaper or Newspapers to be circulated in the Counties of *Wilts*, *Dorset*, and *Somerset*, and also in Writing to be affixed upon such of the Turnpikes or Toll Gates the Tolls whereof are intended to be so reduced or advanced: Provided always, that it shall be lawful for the said Trustees at the First efficient Meeting appointed to be held after the passing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any such Consent or Notice as aforesaid.

Power to re-
duce Tolls.

Tolls not to
be reduced
without the
Consent of
Five-sixths
of the Cre-
ditors.

1950

3° GEORGII IV. *Cap.* lxii.

Trustees may
compound
for Tolls.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees during his or their Term therein, from Time to Time to compound or agree for any Term not exceeding One Year at any one Time with any Person or Persons for any Carriage or Carriages, Horses, Beasts, or Cattle travelling on the said Roads, for all or any of the said Tolls in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and all such Composition Money shall be paid in advance, and in default thereof the Composition or Agreement shall be void.

Tolls may
be leased.

XLV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable One Month in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to one or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising from such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Agreements
made under
the former
Act to con-
tinue, not-
withstanding
the Repeal
of that Act.

XLVI. Provided always, and be it further enacted, That all Agreements for letting any of the Tolls granted by the Act of the Forty-first Year of His late Majesty, which now are or before the Commencement of this Act shall be made by the Trustees acting under and by virtue of such Act, the Terms whereof shall not have expired at the Commencement of this Act, and all other Agreements made by the said Trustees, shall continue and remain in full Force notwithstanding the Repeal of the said Act, or any thing in this Act contained to the contrary.

Lessees or
Persons ap-
pointed by
them may
collect the
Tolls.

XLVII. And be it further enacted, That during such Time as the Tolls or any Part or Parts thereof shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for
the

the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls continued as aforesaid, or appointed by the said Trustees, is made subject or liable to by virtue of this Act.

XLVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take or cause to be demanded and taken from any Person or Persons any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Act or Acts of Parliament now in force and effect with respect to Overweights, or by or under any Order of the Trustees made under the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and shall claim such Exemption, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated if the said Trustees shall think fit to vacate the same; and every such Collector, not being the Lessee, Farmer, or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter or Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for any such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on
Renters, &c.
taking
greater or
less Tolls.

XLIX. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee, to collect the Tolls payable at any Turnpike or Toll Gate, Turnpikes or Toll Gates to be continued or erected by virtue of this Act, shall and he is hereby required to place the Name of such Toll Gate, and also his Christian and Surnames, painted on One or more Board or Boards in legible Characters, in the Front or some other conspicuous Part of every Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters on such Board or Boards to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector or Receiver of the Tolls shall not place such Board or Boards painted as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading the Words to be painted on such Board or Boards, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall

For prevent-
ing Toll Col-
lectors from
misbehav-
ing, &c.

Penalty on
obstructing
Collectors.

shall refuse or neglect to give or tender a Ticket denoting the Payment of the Toll, and specifying the Name of the Gate at which such Payment shall have been made, and also the Name or Names of the Gate or Gates which such Ticket will free or clear, or shall unnecessarily detain, or upon the legal Toll being paid or tendered shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, or to any Treasurer, Clerk, Surveyor, or other Officer employed under this Act, or to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Surveyor on the said Roads, who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Enabling
Trustees to
take Posses-
sion of Toll
Houses in
case of Non-
performance
of the Terms
of the Lease.

L. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Agreement for demising or letting thereof; or in case any Collector or Receiver of the Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow or any of the Children or Family or other Representative of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens, and Appurtenances thereto respectively belonging, erected or continued, or to be erected by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House, or in any Toll Houses, Weighing Machine or Weighing Machines; or in case such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Town, or Place in which any such Toll House shall be situated, upon Application made by any One or more of the said Trustees, or by any Person by him or them appointed on his or their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein,

therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls and Duties to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligation, Covenants, or Agreements on the Lessee's Part) as if such Lease, Contract, or Agreement had never been made; and it shall and may be lawful for the said Trustees in every such case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

LI. And be it further enacted, That it shall be lawful for the said Trustees assembled at any of their Meetings to borrow and take up at Interest on the Credit of all and every or any of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, such further Sum or Sums of Money as they the said Trustees shall in their Discretion think necessary and expedient for the Use or Benefit of all or any Part of the said Roads by this Act authorized to be repaired and improved; provided that Notice of every such Meeting and the Purpose thereof be given by Advertisement, to be inserted Twice in some Newspaper or Newspapers circulating in the said Counties of *Wilts*, *Dorset*, and *Somerset*, at least Fourteen Days before every such Meeting; and for securing the same Money, together with Interest thereon not exceeding Five Pounds *per Centum per Annum*, the said Trustees are hereby authorized and empowered from Time to Time, either at any such Meeting or any Meeting to be held in pursuance of Adjournment thereof, by any Writing or Instrument, Writings or Instruments, under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to demise or assign by way of Mortgage all or any of the Tolls granted by this Act, and all or any of the Turnpikes and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging for collecting the same Tolls, as a Security to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance or lend such Sum or Sums of Money; which Writing or Instrument, Writings or Instruments, may be made in the Form following, or in other Words to the like Effect; (that is to say),

Power to
borrow
Money by
mortgaging
the Tolls.

‘ BY virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the*
 ‘ *Title of this Act*] We, Three of the Trustees for putting the said Act in
 ‘ Execution, in consideration of the Sum of
 ‘ in hand, advanced and paid by _____ to the Trea-
 ‘ surer [*or to* _____ one of the Treasurers] of the said
 ‘ Roads, do hereby grant, bargain, sell, and demise unto the said
 ‘ _____ his Executors, Administrators, and Assigns, for and
 ‘ during the Continuance of the said Act, such Proportion of the Tolls
 ‘ to arise upon the said Roads [*or upon any particular Part or Parts of*
 ‘ [*Local.*] _____ 22 F _____ the

‘ the said Roads, as the Case may require] and the Toll Gates, Toll Bars;
 ‘ and Toll Houses already made and erected, or hereafter to be made
 ‘ and erected for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole Sum now or hereafter to become
 ‘ due and owing on the Security of the Tolls to arise upon the said
 ‘ Roads, [or upon such particular Part or Parts thereof, as the Case may
 ‘ require] to be had and holden from the Date hereof, for and during
 ‘ the Continuance of the said Act, unless the said Sum of
 ‘ with Interest at *per Centum per Annum* shall be sooner
 ‘ paid and satisfied. Given under our Hands and Seals this Day of
 ‘ in the Year of our Lord

Power to
transfer
Mortgages.

And the Costs and Charges of all such Demises or Mortgages shall be paid out of the Tolls thereby demised, and Copies of all such Demises or Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, for which Entry the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more, out of the Tolls hereby granted, and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or any Creditor or Creditors having Security on the said Tolls or any Part thereof, without Fee or Reward; and all Persons to whom any Demise or Mortgage shall be made as aforesaid, or who shall be possessed of any Demise or Mortgage made by virtue of the said former Act, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Demise or Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Demise or Mortgage, or by any other Writing or Writings to be written under the same or thereunto annexed, and signed and sealed in the Presence of and attested by One or more credible Witness or Witnesses; which Assignment or Transfer may be made in the following Words, or Words to the like Effect; (that is to say);

‘ I the within-named *or I,* As-
 ‘ signee, Executor, or Administrator of the within-named
 ‘ [as the Case may be] do hereby assign and transfer this Mort-
 ‘ gage Security, with all my Right and Title to the Principal Money
 ‘ thereby secured, and all Interest now due and hereafter to grow due
 ‘ upon the same, unto of his
 ‘ Executors, Administrators, and Assigns. Dated this
 ‘ Day of in the Year of our Lord

‘ Witness to the signing hereof

Which said Transfer shall be produced and notified to the said Clerk or Clerks within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the before-mentioned Book or Books to be kept for entering Copies of the several Demises or Mortgages which shall be made as aforesaid, for the Entry of each of which Transfers the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, out of the Tolls hereby granted; and such Transfer when entered with the said Clerk as aforesaid, shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns,

to the full Benefit of every such Demise or Mortgage which shall be so transferred, and to the Payment of the Principal Money thereby secured, and the Interest due and to grow due thereon, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and which shall have been demised and assigned by any such Mortgage or Transfer, and on the Turnpike Gates and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and no Person shall have Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

LII. And be it further enacted, That the said Trustees may and shall, if thereunto required by the Persons or Persons entitled thereto, destroy and cancel all or any of the Mortgages, Assignments, or Transfers now subsisting, that have been made by virtue of the said former Acts, of the Tolls thereby authorized to be collected on the said Roads or any of them, and to give and execute a Mortgage or Mortgages of all or any of the Tolls by this Act granted, in manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage, Assignment, or Transfer to be cancelled by virtue of this Act.

Old Mortgages may be cancelled and new ones granted.

LIII. And be it further enacted, That if any Mortgagee or Mortgagees, Assignee or Assignees of all or any of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of such Toll Gates, Bars, Chains, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor, or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

LIV. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said former Acts or any of them, for or in respect of the said Roads, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced

Application of the Tolls and Money borrowed.

by

by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the First Place, in Payment of the Costs and Charges incident to the obtaining and passing of this Act; in the Second Place, in paying the Interest now due and which shall become due upon the several principal Sums already advanced, and still remaining due and owing on Security of the Tolls granted by the said Act hereby repealed; in the Third Place, in paying the Interest of the Monies which may be borrowed or advanced under the Authority of this Act; in the Fourth Place, in defraying the Expences of amending, widening, improving, and keeping in repair all the said Roads, conformable to the Provisions of this Act, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums now due and owing on the Credit of the Tolls granted by the said former Act, or hereafter to be borrowed on the Credit of the Tolls collected or to be collected on the Roads by this Act directed to be kept in repair; such Reduction, Payment, and Discharge to be made and done either rateably or by Lot, as the said Trustees shall think proper.

No greater Sum to be expended on the new Branch than shall be produced thereon, until the Interest of the Monies already borrowed and the Repairs of the present Road be provided for, and vice versa.

LV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to expend or apply in the Repairs or Improvement of that Part of the Road which leads from *Shaftesbury* to *Blandford Forum*, any greater Sum of Money than shall arise from or be produced by the Tolls to be collected at any Gate or Gates to be erected on such Road, or that may be borrowed on the Security of the Tolls to be taken thereon, or that may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on the said Road, until the Yearly Interest of the Monies now due and owing on the Credit of the said former Acts, and the Expences of amending and keeping in repair the present Turnpike Roads herein-before mentioned, shall have been first fully paid and discharged; nor shall it be lawful for the said Trustees to expend or apply in the repairing or amending of the said present Turnpike Roads any greater Sum of Money than shall arise or be produced by the Tolls to be collected on the same Roads, or that may be borrowed on the Security of such Tolls, or that may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on the said last mentioned Roads, until the Yearly Interest of the Monies to be borrowed on the Security of the Tolls to be taken on the said Road leading from *Shaftesbury* to *Blandford*, and until the Expences of repairing, improving, and keeping the same Road in repair, shall have been first fully paid and discharged; any thing in this Act contained to the contrary notwithstanding.

Powers for widening, altering, &c. Roads.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the aforesaid present Turnpike Roads, and of any Part or Parts of the public Highway or Carriage Road by this Act directed to be repaired, maintained, or supported, and herein-before described, or any of them, in such Manner as they shall think fit, according to the Provisions and Directions of this Act, upon, through, or over any private Lands, Grounds,
or

or Hereditaments, making or tendering Satisfaction as herein-after mentioned; and also to widen, divert, vary, turn, alter, and make the same Roads, or any of them, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall and may be lawful to and for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, or Hereditaments as aforesaid, through which or whereupon the said Roads, Widening, and Alterations shall be intended to pass or be made, and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively for any of the Purposes of this Act, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; provided that the said Roads when widened, turned, varied, or altered by virtue of this Act, shall be and remain Twenty-five Feet wide at the least, and shall not be more than Forty Feet wide; and provided also, that it shall not be lawful for the Trustees acting in the Execution of this Act, or any of them, in widening, diverting, turning, shortening, varying, altering, and improving any Part or Parts of the said Roads by this Act authorized to be repaired, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners for the Time being of the Estates, Lands, or Grounds through or over which any such Deviation may be made.

LVII. Provided also, and be it further enacted, That the Powers and Authorities hereby given for diverting, making, and altering the said Roads, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or in anywise do any wilful Damage thereto, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except only in Cases where any such Orchard, Garden, or inclosed Ground may have been made or taken in from the adjoining King's Highway within Forty Years previously to the passing of this Act, and then not without making such Satisfaction to the Owner or Owners thereof as he, she, or they would have been entitled to if such Orchard, Garden, or inclosed Ground had not been originally an Encroachment; nor shall the Authorities or Powers hereby given in anywise authorize or empower the Trustees to widen any Part of the said Highway leading from *Shaftesbury* to *Blandford* in and through any of the Grounds belonging to Sir *Edward Baker Baker*, without the Consent in Writing of the Proprietor thereof for the Time being.

Trustees restrained from taking down Dwelling Houses and taking Gardens, &c. without Consent.

Trustees to fence any old Roads altered, and any new Roads.

LVIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Roads by this Act authorized to be repaired, or make any new Road over and through any private Lands, Grounds, or Hereditaments, or shall take away or remove any Fence for widening the said Roads or any of them or any Part thereof, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences, or other good and sufficient Fences, on both Sides of any such Road as shall be so turned or altered, or on the Side or Sides upon which any such Fence shall or may be so taken away or removed as aforesaid, with sufficient Ditches to the same, and sufficient Posts and Rails or other Fence to protect the Growth of any such Quickset Hedges or Fences, so as effectually to guard and fence off the Lands adjoining to the same Roads, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Lands, Grounds, or Hereditaments, shall agree with the said Trustees to make or keep such Fences in repair from an earlier Period.

Trustees may purchase Lands for making and altering Roads.

LIX. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which they are enabled to purchase by virtue of this Act, for making, widening, diverting, altering, and improving the said Roads or any of them, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses with the Garden Spots thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbards, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Persons and Person whomsoever who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and to sell and convey by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees, all or any such Lands, Houses, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate,

giate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons; shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

LX. And whereas the Town or Guild Hall in the Borough of *Shaftesbury* is situate in the Centre of the Road leading through the same Borough to the Towns of *Milborne Port* and *Sherborne*, and such Road by reason thereof is so narrow that Two Carriages cannot pass each other, and it is desirable that the said Trustees should have Power to treat for pulling down the said Town or Guild Hall, and that the Corporation of the Borough of *Shaftesbury* should be authorized to consent thereto; be it therefore enacted, That the said Trustees shall and may and they are hereby authorized and empowered to treat and agree with the Corporation of the Borough of *Shaftesbury* for the Time being for pulling down the said Town or Guild Hall; and immediately upon such Treaty being ratified under the Common Seal of the Corporation of the said Borough, it shall be lawful for the said Trustees to take down and remove the same, and to appropriate and make use of the Site thereof as and for an Addition to and Enlargement of the said Road; and that from and after the taking down the said Town or Guild Hall all such Corporate Acts as by the Charter of Incorporation of the said Borough are directed to be done in the said Town or Guild Hall, shall and may thenceforth for ever after be done in any other Place within the said Borough, and shall be as legal and effectual, to all Intents and Purposes, as if any such Acts had been done in the Town or Guild Hall by this Act authorized to be taken down for the Purposes of this Act, any Charter or Usage to the contrary notwithstanding.

For pulling down the Guild Hall in the Town of Shaftesbury.

LXI. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which the said Trustees are by this Act enabled to purchase, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall, for the Space of Twenty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Persons and Person whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath the

When Persons interested neglect or refuse to treat for Sale of Lands, &c.

said

Trustees to
issue War-
rants to the
Sheriff to im-
panel a
Jury.

Trustees
may impose
Fines on Sher-
iffs making
Default, and
on Jury and
Witnesses.

How the Ex-
pences of
Jury and
Witnesses to
be borne.

said Trustees or any or either of them are and is hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury, and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Persons and Person whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no one Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

LXII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money,
as

as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in any such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall have arisen, not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose, and shall be borne and paid by the Treasurer or Treasurers to the said Trustees, in such Manner as the said Trustees shall direct, out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; and in Default of Payment thereof by the said Treasurer within Five Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer, by Warrant under the Hand and Seal of such Justice; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by any Clerk or Clerks to the said Trustees by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

LXIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees out of any Monies in the Hands of the said Trustees, or their said Treasurer or Treasurers, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties,

[*Local.*]

22 H

Money allowed for Lands how to be charged and tendered.

Old Roads
may be
stopped up
or sold.

Parties, Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England* in manner by this Act directed (as the Case may require), and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, then, and not before, such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises, shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Roads for ever thereafter; and the said Roads shall be repaired and kept in repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed, the Lands constituting any former Road or Roads which may thereby become useless or unnecessary shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land, or waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees in the Manner herein-after mentioned, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances, being executed by the said Trustees, or any Three or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Authorizing
the Trustees
to continue
stopping up
of Pinford
Lane.

LXIV. And whereas by the said recited Act of the Forty-first Year of His late Majesty, it was enacted, that it should be lawful for the Trustees for executing the said Act to inclose and stop up a certain Lane lying near *Sherborne*, called *Pinford Lane*, which said Lane was stopped up and enclosed accordingly, and has ever since been discontinued as a Common Highway; be it therefore enacted, That it shall be lawful for the Trustees appointed by this Act, and they are hereby authorized, empowered, and required, to cause the said Lane to be continued so stopped up and inclosed, by such effectual and convenient Ways and Means as they shall think fit, so as to hinder and prevent any Cattle or Carriage whatsoever from passing through the said Lane, except the Cattle and Carriages of the Owners and Occupiers of Grounds on the Sides of the said Lane, passing to and from such their respective Grounds; and if any Person or Persons shall damage or destroy any Gate or Gates, Fence or Fences, erected or to be erected for the Purpose aforesaid, or shall open any Passage into the said Lane, or shall pass through the same with any Cattle or Carriage (except as aforesaid), with Intent to avoid the Payment of the said Tolls or any Part thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered in the same Manner as other Penalties are by this Act directed to be recovered.

LXV. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Ground is situate (who is hereby empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be), and the said Trustees may then proceed in the Sale of such Piece or Pieces of Ground, or Piece or Pieces of old Road, to any other Person or Persons whomsoever, in such Manner as they shall think will be most for the Benefit and Advantage of the said Roads; and in case any such Person or Persons to whom a First Offer is directed to be made shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

When Pieces of Land are to be sold, the First Offer to be made to the Proprietor of adjoining Lands.

LXVI. And be it further enacted, That the Money agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there

Application of Compensation if amounting to 200*l*.

there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrance affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined, or capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

Where less
than 200*l*.
and exceed-
ing 20*l*.

LXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option,

Option, and approved of by Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends and Produce arising thereon and therefrom may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

LXVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

When not exceeding 20l.

LXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Three or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
disputed
Titles.

LXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or of any Estate, Right, Title, or Interest in any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or to some Estate or Interest therein.

Court may
order rea-
sonable Ex-
pences to be
paid by
Trustees.

LXXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to get
Materials.

LXXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, out of any common River or common Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Hamlet, or Place, and to haul or carry away any such Materials when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a

Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish or Place in which the said Roads or any of them lie or are situate (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, brought on any River, Stream, or Canal in any Parish, Hamlet, or Place in which any Part of the said Roads lies, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining of the same.

and to land
Materials,
and carry
same over
Lands ad-
joining any
River, &c.

LXXIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Land or Ground, until Three Days Notice in Writing, signed by the Surveyor shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such

Notice to be
given before
Materials
taken from
inclosed
Grounds.

Justices

Justices shall seem proper ; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Power to
contract for
Land to get
Materials.

LXXIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them of and to hold any Land or Ground for the Purpose of digging Stone and Materials therefrom, for the Repairs or Use of the said Roads or any Part thereof respectively, and at any Time afterwards to sell the Land or Ground (so purchased) by public Auction or Tender : Provided always nevertheless, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same : Provided also, that the said Trustees shall not purchase or hold at any One Time or Period a greater Quantity of such Land or Ground in the Whole than Five Acres.

Penalty on
taking away
Materials
raised by the
Surveyor.

LXXV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Eight Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Flood-
gates or Ob-
structions in
the Water-
courses to
be made so
as to injure
the Roads.

LXXVI. And be it further enacted, That if any Person shall after the Commencement of this Act erect or place any Sluices, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the said Roads or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads or any of them, or shall deepen or widen any Ditch, Drain, or Watercourse already made, into or on the Sides of the said Roads or any of them, or shall enclose or take in any Ditch, Drain, Pipe, or Watercourse lying on the Outside of his, her, or their Paling, Hedges, or other Fences, without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees, or from the Surveyor or Surveyors of the said Trustees for the Time being ; then and in every such Case it shall be lawful for the Surveyor or Surveyors to the said Trustees, and the several Workmen to be employed by him or them, to take down and remove every such Sluice, Dam, Floodgate, or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Paling, or other Fences so enclosing

ing such Ditches, Drains, Pipes, or Watercourses; and the Person erecting or placing such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, without such Licence or Consent respectively as aforesaid, or causing or procuring the same so to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

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LXXVII. And be it further enacted, That if any Person shall encroach upon the said Roads by erecting or making, or causing to be erected or made, any Dwelling House or other Building, Hedge, Ditch, or other Fence (except Turnpike Houses or other Buildings or Fences erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five Pounds, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, by Order under their Hands directed to their Surveyor or Surveyors, to cause any such Dwelling House, Building, Hedge, Ditch, or other Fence to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down any such Dwelling House, Building, Hedge, and Fence, and filling up of Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Penalty for erecting Buildings or Encroachments on the Sides of Roads.

LXXVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads as that no Part of such Gate shall when open project over any Part of the said Roads or any of the Footpaths thereof; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Twenty Days after Notice to him, her, or them given, either personally or in Writing, from any Surveyor of the said Roads (such Surveyor being first authorized to give such Notice by Writing under the Hands of the said Trustees), cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto, and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness (which Oath any such Justice is hereby empowered to administer), pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration

Gates not to project over the Roads.

ation and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

For removing Annoyances and Nuisances.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by the sudden Fall of Trees, Slides from Banks, Timber, Stones, Carriages, Sawpits, or other Pits, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being placed, made, or laid on any Part of the said Roads, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches of Trees, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Two Feet and a Half, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or the Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Roads.

LXXX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, or by the Sides thereof, except where any Part of the said Roads shall pass over any Commons or Waste Lands and shall not be fenced off on both Sides thereof, it shall and may be lawful to and for the Surveyor or Surveyors of the said Trustees for the Time being, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be so found, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Ten Days after such impounding, it shall and may be lawful

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to and for the said Trustees, or the said Surveyor or Surveyors, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LXXXI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded, under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

For punishing Persons guilty of Pound Breach.

LXXXII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint, by Order of the said Trustees, to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper; and also Ditches or Drains in, upon, and under the said Roads, and also through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Site of Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages as a public Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, then it shall and may be lawful for any Two or more

Power to make Causeways, Bridges, Drains, &c.

Justices

Justices of the Peace acting in and for the County wherein such Ground shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be measured and Mile-stones set up.

LXXXIII. And be it further enacted, That the said Trustees may and they are hereby empowered to cause the said respective Roads to be measured, and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper, and also such and so many Direction Posts as they shall judge necessary or proper, and may also set up or cause to be set up a Boundary Stone or Post at the Termination of each of the said Roads, and of the respective Branches thereof.

Bridges, &c. to be repaired by Persons liable to the Repair of the same.

LXXXIV. And be it further enacted, That all and every the Bridge or Bridges, Causeways, Arches, Drains, or Sewers in any Part of the said Roads, which have been accustomed or ought to be repaired by any County, or any Hundred, Parish, Hamlet, or Place, or by any particular Person or Persons, or Bodies Politic or Corporate, by reason of the Tenure of Lands, or otherwise howsoever, shall be still liable to be maintained and kept in repair as they were before the passing of this Act.

Statute Labour how to be regulated and enforced.

LXXXV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable or liable to be charged towards repairing and amending the said Roads by this Act authorized to be repaired, or any Part or Parts thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the respective Counties of *Wilts*, *Dorset*, and *Somerset*, and for the Justices of the Borough of *Shafton*, otherwise *Shaftesbury*, for the Time being, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers, Surveyor or Surveyors; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division, or Place, to bring in Lists before such Justices at some Place and Time to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who, within such Parish, Township, Tithing, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether

whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Seed-time, Hay-time, or Harvest), and on such Part or Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, Tithing, Hamlet, District, Division, or Place for the Time being, to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught, Horse or Beast, to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come, or send a Labourer, or such Team or Draught, Horse or Beast, had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads.

Trustees may
compound
for Statute
Duty with
Inhabitants
or Surveyors.

LXXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors to be by them appointed, being authorized so to do by the said Trustees, to compound and agree by the Year or otherwise with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Parishes, Townships, Tithings, Hamlets, or Places in which the said Roads lie or are situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work or Duty, or to compound and agree with the Surveyor or Surveyors of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places, for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in Advance by every such Person so compounding, to the said Trustees or their Treasurers or Surveyors, on or before the Twenty-fifth Day of *December* in each and every Year, and shall be applied in repair of the said Roads.

Trustees may
contract for
Repairs of
Roads.

LXXXVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for amending, diverting, varying, altering, widening, making, improving, and maintaining in repair the said Roads or any Part thereof, and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workman or Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators, and Actions and Suits shall and may be maintained thereon, under the Order and Direction of the said Trustees, in the Name or Names of their Clerk or Clerks, and Damages and Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

For prevent-
ing Damage
to Roads and
Annoyances
to Travellers.

LXXXVIII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle or Carriage of any Description upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface

any of the Letters, Figures, or Marks inscribed thereon; or shall wilfully damage any Bridge, Wall, Toll Gate, Toll House, Weighing Machine, or other Erection made or erected by the said Trustees, or repaired or repairable by them, or break or damage any Lamp to be placed or fixed on or against any such Toll House; or shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing, otherwise than upon Wheel Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag or trail upon any Part of the said Roads, to the Prejudice thereof; or shall in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires commonly called Bonfires, or set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Two hundred Yards from the Centre of any Part of the said Roads; or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof or on the Banks thereof, or within Fifty Yards from the Centre thereof; or play at Foot Ball or any other Game or Games upon the said Roads or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall shew or expose any Stallion or Stallions in any Street or Streets in the Towns of *Shaftesbury*, *Milborne Port*, and *Sherborne*, or any of them, being a Part of the said Roads; or if any Person shall leave any Waggon, Wain, or Cart upon any Part of the said Roads, or on the Side or Sides thereof (except in Cases of Accident, or for the Purpose of loading or unloading such Waggon, Wain, or Cart, and in such Cases for such Time only as shall be necessary to remove and load or unload such Waggon, Wain, or Cart), or shall not place any such Waggon, Wain, or Cart, during the Time of loading or unloading thereof, as near to one Side of the Road as conveniently may be, either with or without any Horse or Horses, Beast or Beasts of Draught, harnessed or yoked thereto; or shall lay and leave any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, or Interruption of the Persons travelling thereon; or shall suffer any Water, Filth, Dirt, Matter, or Thing whatsoever to run or flow into or upon the said Roads or Footpaths, or on the Side or Sides thereof, from any House, Building, Erection, Lands, or Premises adjacent thereto, to the Injury of the said Roads; or if any Person or Persons in the Performance of Statute Work on any of the said Roads, or any Person or Persons employed to haul any Materials for the Repairs of the said Roads, shall place or deposit any Stones or other Materials to be brought by him or them for the Repair of the said Roads, within Thirty Feet of the Centre of such Roads, where such Roads shall be of sufficient Width to admit of such Stones or other Materials being placed at that or a greater Distance from the Centre of the said Roads; or if any such Person or Persons in the Performance of Statute Work, or employed to haul Materials as aforesaid, shall not pile and heap the Stones and other Materials to be brought by him or them for the Repairs of the said Roads, on the Sides of and without encroaching upon or interrupting the travelling upon such Roads; or if any Person shall turn or suffer to be turned any Horse, Cow, Mule, Ass,

Ass, Beast, Sheep, or Swine on or to be or remain upon the said Roads, to graze or depasture on the Sides thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads or any Part thereof, or the Fences or Banks on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up any Hill or rising Ground, cause or suffer to be or remain on the said Roads or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall or may have been blocked or stopped; or if any Higgler, Hawker, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate on the said Roads, and having a Window or Windows fronting to the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, meeting any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads; or if any Person leading or driving any Horse, Mule, Ass, or other Beast on the said Roads, carrying any Rod or Bar of Iron, Basket or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Thirty Inches beyond either Side of such Horse, Mule, Ass, or other Beast; or if any Person shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and the Hedges and Fences on the Sides thereof, for the Purpose of making Compost or Manure, or shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall remove, take up, and carry away any Stones or Scrapings, or any Dung, Mould, Soil, Compost, or Manure from the Sides of the said Roads, or from any Place or Places where the same shall have been laid or deposited or placed by the said Trustees or any Person or Persons employed by them, without the Consent of some Surveyor or Surveyors of the said Roads first obtained for that Purpose, each and every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Directing
how Costs
and Damages
are to be re-
covered from
Trustees.

LXXXIX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from any Clerk to the said Trustees or their Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, then and in such Case

Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

XC. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Information, Conviction, Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to any Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Roads; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place as aforesaid, or to any House of

Recovery
and Application of Penalties.

Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing
transient Of-
fenders.

XCI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Con-
viction.

XCII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices or Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

‘ to wit. } **B**E it remembered, That on the _____ Day of _____
‘ in the Year of our Lord _____ is convicted
‘ before _____ of His Majesty’s Justices of the Peace
‘ for the _____ of _____ [specifying the Offence, Time and
‘ Place when and where the same was committed, as the Case shall be]. Given
‘ under my Hand and Seal [or our Hands and Seals] the Day and Year
‘ first above mentioned.’

Proceedings
not to be
quashed for
Want of
Form.

XCIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on behalf of the Party distraining before such Action brought, or within Twenty-eight Days after the Cause of Action shall arise.

XCIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may within Three Calendar Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise, as the Case may be, unless such Complaint shall arise within Ten Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Person or Persons appealed against, or to the Clerk or Clerks of the said Trustees, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions and set the Parties at liberty, or otherwise may ratify or confirm the same with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, cause such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Quarter Sessions.

XCV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Fourteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his and their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the

Limitation of Actions.

General Issue.

the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

Costs and
Expences of
the Trustees
or Justices to
be paid.

XCVI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers to the said Trustees to pay and defray, out of the Money in his or their Hands arising from the Tolls and other Monies to be received by him or them, all such Costs, Charges, and reasonable Sums as they the said Trustees or any of them, or any Justice or Justices of the Peace, shall have been at or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information, or other Prosecution whatever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done or ordered to be done in the Execution of this Act.

Public Act.

XCVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment and
Continuance
of this Act.

XCVIII. And be it further enacted, That this Act shall commence on the Thirtieth Day of *September* next after the passing thereof, and shall continue and be in force, so far as the same extends to or concerns the making, maintaining, repairing, and supporting the said Roads or any of them, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and so far as the same relates to or concerns the said Guildhall, this Act shall be and the same is hereby declared to be perpetual.

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